

**IN THE UNITED DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE AT KNOXVILLE, TENNESSEE**

**WINSTON MERRELL, individually, and
as next of kin of CAMERON DWIGHT
MERRELL (Deceased),**

Plaintiff,

v.

ROANE COUNTY GOVERNMENT,

CITY OF HARRIMAN,

**JOHN DOE, JOHN DOE, JOHN DOE &
JOHN DOE, in their official capacities as agents)
For the Roane County Sheriff's Office)
And in their individual capacity,)**

**JOHN DOE, JOHN DOE, JOHN DOE &
JOHN DOE, in their official capacities as agents)
For the Harriman City Police)
And in their individual capacity,)**

Defendants.

Docket No.: 3:21-cv-00338

**AGREED ORDER ALLOWING INSPECTION OF EMPLOYMENT,
MEDICAL, PSYCHIATRIC, AND SUBSTANCE ABUSE TREATMENT
RECORDS**

Plaintiffs Winston Merrell, individually and as next of kin of Cameron Dwight Merrell, have stipulated that the authorizations and directives of this Agreed Court Order are within the parameters of HIPPA's uses and disclosures for which an authorization or opportunity to agree or object is not required. Specifically, the parties have stipulated that this Agreed Order is exempt from HIPPA under the specific provisions of 45 C.F.R. 164.512(e) in that the disclosures authorized and directed to be made under this Court Order are disclosures for judicial proceedings and therefore not subject to HIPPA restrictions and disclosures of protected health information. It is specifically agreed upon between the parties

and this Court specifically finds that Plaintiff has raised the psychological condition of Mr. Cameron Dwight Merrell as an issue in this case and it is appropriate that such records are discoverable.

Upon agreement of the parties, and for good cause to the Court shown, it is hereby ORDERED that all hospitals, doctors, psychologists, psychiatrists, nurses, x-ray technicians, chiropractors, osteopaths, therapists, pharmacists, or pharmacies, and ANY and ALL other medical personnel, health care facilities, health care providers, and healing arts professionals of any kind or nature of Mr. Cameron Dwight Merrell allow attorneys for O'NEIL, PARKER & WILLIAMSON, PLLC and WATSON, ROACH, BATSON & LAUDERBACK and their representatives, to inspect and/or obtain copies of ANY and ALL reports, records, notes, patient information sheets, bills, x-rays, other diagnostic films and reports, or other medical records of whatever kind or nature compiled, recorded, and/or possessed by any hospitals, doctors, psychologists, psychiatrists, nurses, x-ray technicians, chiropractors, osteopaths, therapists, pharmacists or pharmacies, and ANY and ALL other medical personnel, health care facilities, health care providers, and healing arts professionals of any kind or nature, in the treatment or examination of Mr. Cameron Dwight Merrell.

It is further ORDERED that said attorneys, or their designated agents or representatives, shall be allowed to examine, inspect and copy ANY and ALL personnel records, sick leave records, leave of absence records, vacation records, pay records, unemployment security records, workers' compensation records, Social Security disability records and ANY and ALL other records pertaining to the employment of Mr. Cameron Dwight Merrell.

A copy of this Order shall be treated as an original; and all hospitals, doctors, psychologists, psychiatrists, nurses, x-ray technicians, chiropractors, osteopaths, therapists, pharmacists, or pharmacies, and ANY and ALL other medical personnel, health care facilities health care providers and healing arts professionals of any kind or nature and/or educators either past or present are hereby ORDERED to comply with the terms of this Order.

It is the further the ORDER of this Court that defense counsels shall furnish to counsel for Plaintiff copies of ANY and ALL records obtained pursuant to this Order and shall furnish such copies to counsel for the Plaintiff within ten (10) days of the defendants' receipt of such records.

The Parties also agree that, and this Court specifically finds that:

1. Name/General Designation/Person Permitted to Make Disclosure: Any records regarding the identity, prognosis, or treatment of Mr. Cameron Dwight Merrell in connection with the performance of the programs and activities related to the substance abuse education, prevention, training, treatment, rehabilitation, and research concerning Mr. Cameron Dwight Merrell that was conducted, by any entity or person which is conducted, regulated (directly or indirectly) by a department or agency of the United States may be disclosed by such entity and/or person.

2. Name/Title of the Individuals or Names of Organizations to which Disclosure is to be Made: O'Neil, Parker & Williamson, PLLC, and more specifically Jeffrey R. Thompson and N. Craig Strand at 7610 Gleason Drive, Suite 200, Knoxville, Tennessee 37919 and also Benjamin Lauderback of Watson, Roach, Batson & Lauberback at PO Box 131, Knoxville, Tennessee 37901.

3. Name of Patient: Cameron Dwight Merrell is the name of the patient. The social security number of said patient is _____. Mr. Winston Merrell has brought a lawsuit against various defendants in the United States District Court of the Eastern District of Tennessee, whose docket number is designated above.

4. Purpose of Disclosure: The purpose of the disclosure is for the use in the civil litigation in the above lawsuit brought by the next of kin of Mr. Cameron Dwight Merrell in the United States District Court of the Eastern District of Tennessee.

5. Information to be disclosed: Any and all records regarding the identity, prognosis, or treatment of Mr. Cameron Dwight Merrell in connection with the performance of the programs and activities related to the substance abuse education, prevention, training, treatment, rehabilitation, and research concerning Mr. Cameron Dwight Merrell that was conducted, by any entity and/or person which is conducted, regulated (directly or indirectly) by a department or agency of the United States may be disclosed by such entity and/or person.

6. Mr. Winston Merrell, as the father of the deceased, Mr. Cameron Dwight Merrell (via counsel) understands that by agreeing to this Order, that their consent is subject to revocation at any time except to the extent that the program or person that is to make the disclosure has already acted in reliance on it. Acting in reliance includes the provision of treatment services in reliance on a valid consent to disclose information to a third-party payer. Furthermore, if not previously revoked, this consent is effective until the final conclusion of the civil litigation (including any appellate proceedings) that has been cited to above.

Upon agreement of the parties, and for good cause to the Court shown, it is hereby

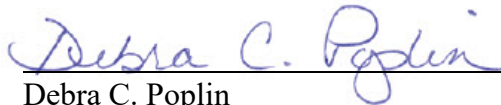
ORDERED that any and all records regarding the identity, prognosis, or treatment of Mr. Cameron Dwight Merrell in connection with the performance of the programs and activities

related to the substance abuse education, prevention, training, treatment, rehabilitation, and research concerning Mr. Cameron Dwight Merrell that was conducted, by any entity or person which is conducted, regulated (directly or indirectly) by a department or agency of the United States may be disclosed by such entity and/or person to O'Neil, Parker & Williamson, PLLC, 7610 Gleason Drive, Suite 200, Knoxville, Tennessee 37919 and Watson, Roach, Batson & Lauderback at PO Box 131, Knoxville, Tennessee 37901.

A copy of a certified copy of this Order shall be treated as an original; and all hospitals, doctors, psychologists, psychiatrists nurses, x-ray technicians, chiropractors, osteopaths, therapists, pharmacists, or pharmacies, and ANY and ALL other medical personnel, health care facilities health care providers and healing arts professionals of any kind or nature and/or educators either past or present are hereby ORDERED to comply with the terms of this Order.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge

APPROVED FOR ENTRY BY:

/s/ Roger D. Layne

Roger D. Layne
Davis, Kessler & Davis
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/s/ Jeffrey R. Thompson

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/s/ Benjamin K. Lauderback
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